

REMARKS

The present invention relates to a coating for water blocking agents comprising a water-absorbing resin (a), a hydrophilic binder resin (b), and a solvent (c), wherein the hydrophilic binder resin (b) has an acid value of 40 mg KOH/g to 500 mg KOH/g, and to a water blocking construction method which utilizes such a coating for water blocking agents.

The Examiner has not explicitly indicated whether the drawings filed with the application on August 7, 2001 have been accepted. Applicants respectfully request that the Examiner make such an acknowledgement in the Examiner's next communication.

Applicants appreciate the Examiner's withdrawal of the objection to the Abstract and the § 112, second paragraph rejection of claims 1-7.

In the Office Action, the Examiner (1) rejected claims 1, 2 and 4 under 35 U.S.C. § 101, as allegedly claiming the same invention as that of claim 1, 2 and 4 of U.S. Pat. No. 6,593,280 to Matusnaga et al, and (2) rejected claims 3 and 5-7 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9 of U.S. Pat. No. 6,593,280.

In response to the Office Action, claims 1, 2 and 4 have been amended to be method claims. Support for this amendment is found, for example, at page 6 of the specification, lines 2-6. Claims 3, 6 and 7 have been rewritten in independent form. Claim 5 has been canceled.

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Claim 1 has also been amended to delete the language “a composition consisting essentially of.” Support for this amendment is found, for example, at page 21 of the specification, lines 2-8 and in original claim 1.

With respect to the rejection of claims 1, 2 and 4 under 35 U.S.C. § 101, Applicants have herein amended the claims to be method claims. Matusnaga et al discloses a friction reducing coating for engineering works, whereas the present claims 1, 2 and 4 are directed to water blocking construction methods utilizing a coating for water blocking agents, which are new and unobvious over Matusnaga et al. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

With regard to the rejection of claims 3 and 5-7 under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of Matusnaga et al, Applicants herewith file an unexecuted Terminal Disclaimer (an executed Terminal Disclaimer will be submitted as soon as it is available). Accordingly, the rejection should be withdrawn.

In view of the above, reconsideration and allowance of claims 1-4, 6 and 7 are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: December 22, 2003